

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending in this application. Claims 1-4, 6, and 7 are amended, and Claims 8-14 are added by the present amendment.

Amendments to the claims and new claims find support in the application as originally filed at least in the specification at page 9, lines 10-24, page 11, lines 3-6, and page 14, lines 9-23. Thus, no new matter is added.

In the outstanding Office Action dated February 26, 2009, Claims 1-4, 6, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by WO 03/004397 to Angst¹; and Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over Angst in view of U.S. Publication 2004/0079591 to Mueller.

Initially, Applicant and Applicant's representatives gratefully acknowledge the courtesy of a personal interview with Examiner Chan and Supervisory Patent Examiner Patel on March 17, 2009. During the interview, rejections in the Office Action and differences between the claimed invention and references in the Office Action were discussed. Comments and claim amendments discussed during the interview are reiterated below.

Applicant respectfully traverses the rejection of Claims 1-4, 6, and 7 under 35 U.S.C. § 102(b) as anticipated by Angst, with respect to amended independent Claims 1 and 7.

Amended Claim 1 is directed to an elevator apparatus that includes, in part, an elevator control apparatus having an operation control portion that controls an actual speed of a car, based on a current operation mode. The apparatus also includes a supervising portion that detects abnormalities in the movement of the car. When the supervising portion

¹ References to Angst hereinafter refer to locations within U.S. Patent 7,117,979 to Angst et al., which are indicated in the Office Action as being equivalent to WO 03/004397.

performs an initial setting to set a relationship between a signal from a supervision position sensor and a position of the car in an initial operation mode, the operation control portion causes the actual speed of the car to be a low speed. When the supervising portion performs a normal supervision in a normal operation mode, the operation control portion causes the actual speed of the car to be a high speed greater than the low speed.

As discussed during the interview, Angst fails to disclose or otherwise suggest each of the features of Claim 1. For example, it was discussed that Angst fails to disclose an initial setting to set a relationship between a signal from a supervision position sensor and a position of a car in an initial operation mode, and further it was discussed that Angst fails to disclose or suggest causing an actual speed of a car to be a low speed when a supervising portion performs an initial setting in an initial operation mode and causing the actual speed of the car to be a high speed greater than the low speed when the supervising portion performs a normal supervision in a normal operation mode.

Angst's Fig. 6 shows an electronic speed monitoring device 24.1 that includes a limit value module 38, a comparator 39, and a reaction generator 40.1. The speed monitoring device of Angst continuously receives information about an actual position of the elevator car 8 and also obtains information about a current actual speed of the elevator via an actual speed input 42.² Furthermore, according to Angst, the comparator 39 sends an "excess speed signal" to a reaction generator 40.1 when the comparator 39 detects that the current actual speed exceeds a position-dependent defined current speed limit value.³ However, as discussed during the interview, Angst fails to disclose or otherwise suggest an initial setting to set a relationship between a signal from a supervision position sensor and a position of a car in an initial operation mode, and Angst also fails to teach or suggest causing an actual

² Angst at column 6, lines 51-61.

³ Angst at column 6, line 64 to column 7, line 1.

speed of the car to be a low speed when performing an initial setting and causing the actual speed of the car to be a high speed greater than the low speed when performing a normal supervision in a normal operation mode.

Accordingly, Applicant respectfully submits that Angst fails to disclose or otherwise suggest “when the supervising portion performs an initial setting to set a relationship between a signal from a supervision position sensor and a position of the car in an initial operation mode, the operation control portion causes the actual speed of the car to be a low speed, and when the supervising portion performs a normal supervision in a normal operation mode, the operation control portion causes the actual speed of the car to be a high speed greater than the low speed,” as recited in Claim 1.

Accordingly, as discussed during the interview, Claim 1 is believed to patentably define over Angst.

Claim 7 is directed to a control method for an elevator apparatus that includes, in part, causing a car to travel at a low actual speed while in an initial operation mode to perform an initial setting of a supervising portion to set a relationship between a signal from a supervision position sensor and a position of the car, and causing the car to travel at a high actual speed greater than the low actual speed when in a normal operation mode.

For reasons similar to those discussed above, Applicant respectfully submits that Angst also fails to teach or suggest the features of Claim 7.

Accordingly, it is respectfully requested that the rejection of Claims 1-4, 6, and 7 under 35 U.S.C. § 102(b) as anticipated by Angst be withdrawn.

Furthermore, Applicant respectfully traverses the rejection of Claim 5 under 35 U.S.C. § 103(a) as unpatentable over Angst in view of Mueller.

Claim 5 depends from Claim 1, which as discussed above is believed to patentably define over Angst. Furthermore, Applicant respectfully submits that Mueller also fails to

teach or suggest the features of independent Claim 1 lacking in the disclosure of Angst.

Therefore, it is respectfully requested that rejection also be withdrawn.

New Claims 8-12 are added to recite additional method features corresponding to features recited in previously presented Claims 2-6. Claims 13 and 14 are added to recite additional features of the invention. Applicant respectfully submits that the references in the Office Action fail to teach or suggest the features of Claims 8-14. Therefore, it is respectfully submitted those claims patentably define over Angst and Mueller for that distinct reason in addition to the reasons noted above with respect to the independent claims.

Accordingly, Applicant respectfully submits that independent Claims 1 and 7, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Zachary S. Stern
Registration No. 54,719